

Appln. No. 09/909,505
Amdt. dated February 10, 2006
Reply to Office action dated November 10, 2005

REMARKS/ARGUMENTS

Claims 1-6, 8, 9, 16, 20-25 and 27-29 remain in the application.

The rejection of claims 1-6, 8, 9, 16, 20-25 and 27-29 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is traversed for the reasons to follow. Independent claim 1 has been amended to clearly set forth and distinguish between a total treating region and first, second and third treating regions and thus it is believed that the rejection has been obviated.

The rejection of claims 1-6, 8, 9, 16, 20-25 and 27-29 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is traversed for the reasons to follow. Originally presented claim 1 includes the phrase "covering all areas around the trunk..., said treating region being divided into at least 3 subregions, according to the shape of the trunk," and provides the necessary support in currently pending claim 1. The language cited by the examiner in Applicant's response of May 19, 2004 does not constitute an admission that the basic subject matter was not in the original claims; it is believed that Applicant's English syntax created the wrong impression. In any event, it is believed that the rejection has been obviated.

The rejection of claims 1-6, 8, 9, 16, 20-25 and 27-29 under 35 U.S.C. 103(a) as unpatentable over Lopez et al in view of Woo is traversed for the reasons to follow.

Independent claim 1 has been amended, inter alia, to set forth that the magnet north pole is positioned in direct contact with the trunk surface. In contradistinction

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thereto, the magnets of the primary Lopez reference are maintained in contact with the treating region by a T-shirt with the magnets encased, or sewn, therein whereby the magnets do not directly contact the skin surface. Direct contact of the north pole magnet with the surface of the trunk is such that it targets and influences meridian lines of the trunk for balance function of meridian systems. In the Lopez system, separate treatment regions for the meridian balance are not defined by the T-shirt since multiple arrays of magnets in horizontal, vertical and diagonal arrays hinders the meridian function of the trunk in balance.

Woo does not disclose the placement of the north pole of the magnet means on the trunk in the manner now set forth in independent claim 1. In addition, since the magnet of Lopez is limited in field strength to 800 gauss with fixed sizes for the T-shirt magnet layout, the gauss ranges set forth in Woo would be technically impossible to apply to the Lopez system. Claim 1 has been further amended to set forth that the lower gauss range is 1000 gauss.

Claims 2-6, 8, 9, 16, 20-25 and 27-29 are dependent from independent claim 1 and should be allowable, inter alia, for the reasons advanced for the allowability of claim 1.

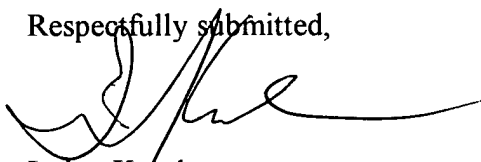
In Princeton Biochemicals, Inc. v. Beckman Coulter, Inc. 75 U.S.P.Q.2d 1051 (Fed. Cir. 2005), the Court reiterated the standard regarding obviousness rejections under 35 U.S.C. §103. In particular, the Court noted that a reference used a obviousness rejection must show some motivation or suggestion to make the new combination, also

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citing In re Rouffet, 47 USPQ2d 1453 (Fed. Cir. 1998). It is clear that the Lopez et al and Woo references cited by the examiner does not motivate or suggest to someone skilled in the art that they can use the Woo reference to modify Lopez et al to make applicant's claimed invention obviousness without the use of hindsight.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Irving Keschner', written over the typed name.

Irving Keschner
Attorney for Applicant
Reg. No. 24,547
Tel. (310) 543-5200
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